

No. 6:19-cv-001567-TMC, Rogers, et al. v. US DHHS, et al.

Exhibit 2 to DSS's Response to Plaintiffs' Motion to Compel

7/11/19 ACLU FOIA letter



July 11, 2019

South Carolina Department of Social Services
P.O. Box 1520
Columbia, SC 29202

**RE: Freedom of Information Act Request Regarding SC DSS Policy & Regulations
for CPAs, Annual Reports for Region 1 CPAs, and Miracle Hill Ministries Policy**

Dear FOIA Officers for SC DSS:

This letter constitutes a formal request under the South Carolina Freedom of Information Act, S.C. Code § 30-4-30, by the American Civil Liberties Union of South Carolina (ACLU-SC) for public records regarding private Child Placing Agencies ("CPAs") licensed by the South Carolina Department of Social Services ("DSS" or "SC DSS"), and the recruitment, support and licensing of prospective foster and adoptive families.

"Public record" includes all books, papers, maps, photographs, cards, tapes (both audio and visual, VHS, DVD or CD), recordings, or other documentary materials or electronic materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. S.C. Code § 30-4-20(c). We request, pursuant to S.C. Code § 30-4-30, that your office produce the following public records:

1. Revisions or additions to the DSS Human Services Policy and Procedure Manual, or any other DSS policy or procedure, made after March 13, 2018 pursuant to Governor Henry McMaster's Executive Order 2018-12 "direct[ing] DSS to review and revise its policies and manuals in accordance with this order to ensure that DSS does not directly or indirectly penalize religious identity or activity"
2. Amendments or additions to the South Carolina Code of Regulations with regard to foster care made after March 13, 2018 pursuant to Governor Henry McMaster's Executive Order 2018-12 "direct[ing] [Cabinet agencies] to review their . . . regulations to ensure that the same do not directly or indirectly penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges, enjoyed by other individuals or organizations solely on account of their religious identity or beliefs."
3. Copies of DSS Form 1520, Annual Report of Children under Care or Supervision of Licensed Child Placing Agencies, for the years 2018, 2017, and 2016 for Miracle Hill

Ministries, Church of God Home for Children, Connie Maxwell Children's Home, Tamasee DAR School, and Thornwell Home for Children. (Note that we are not requesting names of children or parents, and recognize that any information contained in the requested reports identifying children or parents will be redacted).

4. Copies of the financial reports certified by a Certified Public Accountant for the fiscal years of 2018, 2017, and 2016 for Miracle Hill Ministries, Church of God Home for Children, Connie Maxwell Children's Home, Tamasee DAR School, and Thornwell Home for Children.
5. Copy of Miracle Hill Ministries' Foster Care Manual.
6. Copy of Miracle Hill Ministries' current contract and/or licensing agreement with SC DSS.
7. Documents reflecting communications between DSS employees, or between DSS employees and employees of Governor Henry McMaster's office regarding licensing same-sex couples or lesbian, gay, bisexual, or transgender individuals as foster parents.

In accordance with S.C. Code § 30-4-30 we request a response to this request within 15 working days of receipt. All data that are stored in an electronic format should be provided on a CD-ROM or other electronic format where available.

The ACLU requests a waiver of all fees pursuant to S.C. Code. § 30-4-30 because such a waiver is in the public interest. The ACLU is a non-profit tax-exempt organization dedicated to the protection of civil liberties and constitutional rights of all people. The ACLU serves an important public education function, regularly disseminating information of interest to the public through newsletters, news briefings, right-to-know brochures, and other public education materials. If you challenge our entitlement to a waiver of fees, and if incurred fees will exceed \$100.00, please contact me before the charges are incurred.

If you determine that some portions of the requested records are exempt from disclosure, we will expect that you provide us with any reasonable severable portion of the records sought, and an explanation for any applicable exemptions. Please furnish all applicable records to the following address:

Susan Dunn
ACLU of South Carolina
P.O Box 20998
Charleston, SC 29413
sdunn@aclusc.org

Thank you for your prompt attention to this matter. Do not hesitate to call me at (843) 282-7953 with any questions about this request.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line.

Susan Dunn
Legal Director